

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Case No. 1:21-cr-41-JL

Ian Freeman

FINAL CRIMINAL PRETRIAL ORDER

1. Date of Pretrial Conference: **November 23, 2022**
2. Counsel Present:

Seth R. Aframe, AUSA
Georgiana MacDonald, AUSA
John J. Kennedy, AUSA
Mark L. Sisti, Esq.
3. Type of Trial: Criminal
4. Date of Trial: **December 6, 2022**
5. Length of Trial Day: 9 am to 5 pm.
6. Estimated Length of Trial: 10-14 days.
7. Questions of Law: None.
8. Evidentiary Issues: At the November 15, 2022 evidentiary hearing, the court issued rulings on doc. nos. 180, 196, and 210. See Endorsed Orders of Nov. 22, 2022.
9. Motions: Any motion in limine regarding defendant's establishment of personal accounts is due on or before **November 29, 2022**, with the objection due by **noon on December 1, 2022**.
10. Jury Selection: See Fed. R. Crim. P. 23, 24

There will be a total of **eight** peremptory challenges for the United States and a total of **twelve** peremptory challenges for the defendant. **Twelve** jurors and **four** alternates (resulting in two additional peremptory challenges for each side above those provided by

Fed. R. Crim. P. 24(b)(2)) will be seated. Alternates will be retained through deliberation.

Attorney-conducted voir dire will be permitted. After 36 qualified jurors are seated, but before counsel exercises their peremptory challenges, each side will be permitted 10 minutes of attorney-conducted voir dire.

11. Exhibits:

Exhibit lists and exhibits are to be premarked and submitted to the Clerk's Office on or before **Wednesday, November 30, 2022**, in accordance with the document entitled "Procedure For Marking Exhibits" which is attached hereto and made a part hereof. Any objections to exhibits shall be set forth briefly in writing and filed with the exhibits. Counsel shall notify each other at the time the exhibits are submitted if any custodian will be required for any exhibit.

12. "Will-Call" Witness List: The parties shall exchange and file a list of witnesses they intend to call at trial at the time they premark and submit exhibits. The parties will be bound by the witnesses disclosed in this list absent extraordinary circumstances.

13. Disclosure:

The prosecution has represented that its Brady and Jencks disclosures have been made, and defense counsel said that they are satisfied with those disclosures thus far. The prosecution will continue its practice of notifying defense counsel, via correspondence, of potentially exculpatory evidence revealed during witness trial preparation interviews. The United States will not introduce any Rule 404(b) evidence.

14. Prospective ex parte and sealed Rule 29 memoranda:


On or before the date on which the prosecution begins its case in chief, the parties may file, under seal and *ex parte* at Level II, memoranda calling and focusing the court's attention on particular issues the respective parties believe will be pertinent to the court's consideration of any expected Rule 29 motions, citing applicable authority and referring to evidence the parties believe will be presented (or not presented) at trial. The memoranda shall be unsealed and exchanged (counsel should have copies on hand) by the parties upon the filing or making of any Rule 29 motion.

15. Sequestration: Counsel to promptly notify the court whether they wish to sequester witnesses during the trial.

In order to utilize the court's resources to the fullest extent and keep counsel informed as to their status on the trial list, counsel are directed to call Courtroom Deputy Kellie Otis at 603-225-1473 to confirm the date and time of jury selection.

16. Questions from jurors. As decided at the final pretrial conference, the jury will not be allowed to ask questions during the trial.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 23, 2022

cc: Georgiana MacDonald, AUSA
Seth R. Aframe, AUSA
John J. Kennedy, AUSA
Michael T. McCormack, AUSA
Mark L. Sisti, Esq.